

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al

PLAINTIFFS

vs

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' RESPONSES TO PLAINTIFFS'
FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS**

COME NOW Haley Barbour, as Governor of the State of Mississippi, Donald Taylor as Executive Director of the Mississippi Department of Human Services and Billy Mangold, as Director of the Division of Family and Children's Services ("Defendants"), by and through their attorneys of record, and file their responses to Plaintiff's Fifth Request for Production of Documents, as follows:

General Objections

Defendants object to these discovery requests to the extent that such requests solicit documents related to the purported Protective Services Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004, and documents related to claims of the In-Custody Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004.

By producing documents in response to Plaintiffs' requests, Defendants do not admit to the relevance or admissibility of the same.

Document Request No. 1: All documents in the possession of the Governor's Office concerning DHS's and DFCS's ability to protect children and meets its mandated functions, including but not limited to briefs, meeting minutes, memos, complaints, letters, email and other communications.



Response No. 1: Defendants object to this request to the extent that it seeks documents protected as attorney work product and to the extent it seeks documents that are subject to the attorney/client privilege. Without waiving objections, the Defendant, Governor Haley Barbour, does not have possession of the documents requested.

Document Request No. 2: A current organizational chart for the Governor's office.

Response No. 2: Defendants do not have any such document.

Document Request No. 3: All current DFCS operations/administrative procedures manuals.

Response No. 3: Defendants previously produced the current Mississippi Department of Human Services, Division of Family and Children's Services Policy and Procedures Manual.

Document Request No. 4: All documents concerning the case review instruments developed for the Quality Improvement program case record reviews beginning in January 2003 and quarterly thereafter, as discussed at DHS 017265, 017279 and 017322.

Response No. 4: Defendants object to Document Request No. 4 as overly broad and unduly burdensome. Without waiving such objection, the Defendants are producing the following documents:

- 1) Quality Improvement – MDHS/DFCS manual (Bates No. DHS 035743-035865);
- 2) Quality Improvement – Reference Guide – 2002-2003 (Bates No. DHS 035866-035877);
- 3) Quality Improvement – Case Record Review Instrument – Placement Case (Bates No. DHS 035878-035937);
- 4) MDHS/DFCS – Client/Family Satisfaction Survey (Bates No. DHS 035938-035948);
- 5) ISP Process document (Bates No. DHS 035949-035955);

6) Comparison of Federal Review and Quality Improvement Review chart (Bates No. DHS 035956-035967);

7) Quality Improvement – What To Do (Bates No. DHS 035968-035974)

8) Determining If an Investigation Is Satisfactory (Bates No. DHS 053975-035979).

Document Request No. 5: All foster care and adoptive parent recruitment documents from 2004 through the present, including but not limited to any transcripts, audio and video files of recruitment ads prepared for public broadcast.

Response No. 5: Defendants object to this request in that it is overly broad and unduly burdensome. Without waiving the objection, the Defendants are producing:

1) MP3 Sound File containing four public service announcements and three print advertisements (Bates No. DHS 037635); and

2) Hard copies of print advertisements (Bates No. DHS 037588 to 037634).

Document Request No. 6: Any memos, directives and policies concerning the entry of information in the Mississippi Automated Child Welfare Information System (MACWIS).

Response No. 6: Defendants are producing the following:

1) MACWIS Desk Reference Guide (Bates No. DHS 036101-036212);

2) MACWIS help sheets (Bates No. DHS 036213-036291); and

3) MACWIS User Manual (Bates No. DHS 036292-036970).

Document Request No. 7: All DHS/DFCS Requests for Proposals (RFPs) to provide services that include services to Foster Children.

Response No. 7: Defendants object to this request in that it is overly broad and unduly burdensome. Without waiving the objections, Defendants are producing the following requests for proposals:

Pre and Post Adoption Services (Bates No. DHS 037745-037787)

Placement Services Post Adoption Support Services (Bates No. DHS 038097-038147);

Children's Justice Act of the Child Abuse Prevention & Treatment Act (Bates No. DHS

037980-038016)

Protection Services MDHS Hotline (Bates No. DHS 038052-038096);

Placement Services Emergency Shelter/Diagnostic and Evaluation Center (Bates No. DHS 037877-037928);

Placement Services (Bates No. DHS 037929-037979);

Community Based Family Resource & Support Grant (Application Issue Date April 5, 2002) (Bates No. DHS 037667-037697);

Community Based Family Resource & Support Grant (Application Issue Date May 12, 2003) (Bates No. DHS 037636-037666)

Family Support Services (Application Issue Date October 22, 2002) (Bates No. DHS 037698-037744)

Family Support Services (Application Issue Date May 12, 2003) (Bates No. DHS 037788-037832)

Family Support Services (Application Issue Date May 9, 2004) (Bates No. DHS 037833-037876); and

Child Abuse Prevention Treatment Act, State Basic Grant (Bates No. DHS 038017-038051)

Document Request No. 8: Any "Time Study," such as that referred to at DHS 017267.

Response No. 8: Defendants object to this request as overlybroad and unduly burdensome. Without waiving the objection, the Defendants are producing the following documents:

Mississippi Department of Human Services Social Worker Time Study IV-E Waiver Demonstration Projects (Bates No. DHS 038148 to 038156)

Document Request No. 9: The provider and licensing files for all foster homes, therapeutic foster homes, group homes, shelters, treatment centers and any other home, institution or agency caring for foster children.

Response No. 9: Defendants object to this request as overlybroad and unduly burdensome. Without waiving the objection, Defendants are producing the following document:

Placement Resources (Bates No. DHS 035980-036100).

Document Request No. 10: Any documents maintained outside of the provider and licensing files concerning (a) complaints, inspections and investigations related to foster homes, therapeutic foster homes, group homes, shelters, treatment centers and any other home, institution or agency caring for foster children and (2) any state actions taken against foster homes, therapeutic foster homes, group homes, shelters, treatment centers and any other home, institution or agency caring for foster children, as a result of licensing violations, safety considerations or otherwise.

Response No. 10: Defendants object to this request in that it is overly broad and unduly burdensome.

Document Request No. 11: All documents in the possession of DHS Division of Program Integrity that concern complaints, allegations reports and any related actions regarding the failure of DFCS staff to protect foster children.

Response No. 11: Defendants object to this request in that it is overly broad and unduly burdensome. Without waiving the objection, the Division of Program Integrity does not maintain records in the manner requested in Request No. 11.

Document Request No. 12: All personnel file documents that reflect DFCS staff failures to abide by agency requirements including, but not limited to, reprimands, suspensions, demotions and terminations

Response No. 12: Defendants object to this request in that it is overly broad and unduly burdensome and seeks the discovery of records protected as confidential.

Document Request No. 13: The personnel files of all DFCS staff who have been involved in the cases of Named Plaintiffs Olivia Y, Jamison J, John A, Cody B and Mary, Tom, Matthew and Dana W, including but not limited to the following DFCS staff:


- (a) Olivia Y: Wanda Gillom, Deputy Director; Mickel Hodges, Division of Program Integrity; Mechille Henry, Acting Regional Director; Eva Beck, Licensure Specialist; Susanne Brown, Social Worker; Rosie Cox, Homemaker; Jean Fertitta, Area Wide Social Work Supervisor; Nicole Holloman, volunteer; Ramona Lockett, Area Wide Foster Care Supervisor; Jennifer McLaurin, Social Worker; Joy Moran, Case Worker; Jessie Richardson, Homemaker; Berdia Smith, Social Worker; Debra Stewart, Area Wide Social Work Supervisor; Marie Turnage, Social Worker
- (b) Jamison J: Queen Coleman, Social Worker Supervisor; Tracey Mohdzain, Case Worker; Martha McDaniel, Regional Director
- (c) John A: Michelle Henry, Acting Regional Director; Sherita Bovastro; Josie Brown, Social Worker; Rosie Cox, Social Worker Aide; Deanne Cunningham, Social Worker; BeeJee Dickson, Area Wide Social Work Supervisor; Cindy Haslauer, Social Worker; Pamela Knight, Area Wide Social Work Supervisor; Ramona Lockett, Area Wide Social Work Supervisor; Terra McCarthy, Social Worker; Betty Rayner, Social Worker; Jessie Richardson, Homemaker; Barry Robertson, Social Worker; Sharron Robinson, Social Worker; Berdia Smith, Social Worker; Vicki Stephenson, Social Worker; Deborah Stewart, Social Worker; Tabathas Cox, Social Worker; Carrie Monsow, Social Worker
- (d) Cody B: Zadie Rogers, Regional Director; Gwen Becks, Social Worker; Sharon Carter, Homemaker; Mathew Lewis, Area Wide Social Work Supervisor; Yutaska Simpson, Social Worker; Gloria Richardson, Social Worker
- (e) Mary, Tom, Matthew and Dana W: Sue Perry, Director; Wanda Gillom, Deputy Director; Terry Varnado, Foster Home Licensure Unit; Ronda Aldridge, Social Worker; Lynette Fleming, Social Worker; Jeanie Hall, Social Worker; Maggie Mixon, Social Worker; Carolina Roberson, Area Social Work Supervisor; Patricia Seals, Social Worker; Lacey O'Quinn, Social Worker; Rhonda Polk, Foster Care Licensure Specialist; Vanie White-Sturgis, Adoption Unit Resource Exchange Coordinator.

Response No. 13: Defendants object to this request in that it is overly broad and unduly burdensome and seeks the discovery of records protected as confidential.

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of Mississippi; **DONALD TAYLOR**, as Executive Director of the Department of Human Services; and **BILLY MANGOLD** as Director of the Division of Family and Children's Services

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CERTIFICATE OF SERVICE

I, Betty A. Mallett, do hereby certify that I have this day served a copy of the foregoing on counsel of record by United States Mail, postage prepaid to:

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SO CERTIFIED, this the 31st day of May, 2005.


Betty A. Mallett